

# SANTAMARINA & ASSOCIATES

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November 13, 2019

The Honorable Katherine Polk Failla, U.S.D.J.  
United State District Court  
Southern District of New York  
40 Foley Square, Room 2103  
New York, NY 10007  
Failla\_NYSDChambers@nysd.uscourts.gov

**MEMO ENDORSED**

*Re: Robert Onieal v. Christopher Onieal*  
*Civil Action No.: 1:19-CV-07789 (KPF)*

Dear Judge Polk Failla:

This office represents the plaintiff Robert Onieal in the above referenced matter. This letter is written to request an adjournment of the Initial Pretrial Conference scheduled for November 22, 2019 at 4:00 p.m.

Defendant Christopher Onieal was reserved with the Summons and Complaint on or about November 8, 2019. Attached hereto as Exhibit "A" is a copy of the e-filed Affidavit of Service. Defendant Christopher Onieal has not yet appeared or answered and his time to do so has not yet expired. Thus, Plaintiff respectfully requests an adjournment of the Initial Pretrial Conference to a date convenient to the Court in January 2020. This is Plaintiff's first request for an adjournment of the Initial Pretrial Conference.

Given the forgoing, Plaintiff respectfully request that the Court grant the instant application for an adjournment of the Initial Pretrial Conference.

Very truly yours,



Gil Santamarina

Cc: Christopher Onieal  
174 Grand Street, Apt 2A  
New York, New York 10013

ROBERT ONIEAL

Plaintiff(s)

Index # 1:19-CV-07789

- against -

CHRISTOPHER ONIEAL

Purchased August 22, 2019

Defendant(s)

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

ANDRE MEISEL BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on November 8, 2019 at 10:25 AM at

C/O ONIEALS RESTAURANT  
174 GRAND STREET  
NEW YORK, NY 10013

deponent served the within SUMMONS AND COMPLAINT, INDIVIDUAL RULES OF PRACTICE FOR JUDGE FAILLA on CHRISTOPHER ONIEAL therein named,

**SUITABLE AGE**

by delivering thereat a true copy of each to JUAN "SMITH" a person of suitable age and discretion. Said premises is Defendant's actual place of business within the state. He identified himself as the CO-WORKER of the Defendant.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx)
MALE	BROWN	BLACK	40	6'	200

**MAILING**

Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's actual place of business at

C/O ONIEALS RESTAURANT  
174 GRAND STREET  
NEW YORK, NY 10013

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on November 12, 2019 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.

**MILITARY SERVICE**

Person spoken to was asked whether the Defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the Defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

PERSON SPOKEN TO REFUSED TO STATE TRUE LAST NAME.

Sworn to me on: November 12, 2019

JOSEPH KNIGHT  
Notary Public, State of New York  
No. 01KN6178241  
Qualified In New York County  
Commission Expires November 26, 2023

RALPH J MULLEN  
Notary Public, State of New York  
No. 01MU6238632  
Qualified in Queens County  
Commission Expires April 11, 2023

VINETTA BREWER  
Notary Public, State of New York  
No. 4949206  
Qualified in Bronx County  
Commission Expires April 3, 2023

**ANDRE MEISEL**  
License #: 1372356  
Invoice #: 733584

Application GRANTED. The initial pretrial conference originally scheduled for November 22, 2019, is hereby ADJOURNED to January 22, 2020, at 4:30 p.m.

Dated: November 14, 2019  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla". The signature is written in a cursive, flowing style.

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE